

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENDRICK ALLEN ROBERSON,

Defendant.

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CRIMINAL ACTION NO. 4:16-CR-84

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on May 21, 2019, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Chris Eason.

Kendrick Allen Roberson was sentenced on February 9, 2017, before The Honorable Amos L. Mazzant, III, of the Eastern District of Texas, after pleading guilty to the offense of Felon in Possession of a Firearm, a Class C felony. This offense carried a statutory maximum imprisonment term of 10 years. The guideline imprisonment range, based on a total offense level of 11 and a criminal history category of VI, was 27 to 33 months. Kendrick Allen Roberson was subsequently sentenced to 33 months of imprisonment, followed by a 3-year term of supervised release, subject to the standard conditions of release, plus special conditions to include financial disclosure, drug testing and treatment, mental health treatment, and gambling prohibition. On November 16, 2018, Kendrick Allen Roberson completed his period of imprisonment and began service of the supervision term.

On May 9, 2019, the U.S. Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision [Dkt. 31, Sealed]. The Petition asserted that Defendant violated two (2) conditions of supervision, as follows: (1) You must not unlawfully possess a controlled substance; and (2) You must submit to substance abuse testing, under the guidance and direction of the U.S. Probation Office.

The Petition alleges that Defendant committed the following acts: (1) On February 20, 2019, the Defendant submitted a urine specimen, which tested positive for amphetamine and methamphetamine On February 25, 2019; March 15, 2019; March 26, 2019; and April 22, 2019, he submitted urine specimens which tested positive for amphetamine, methamphetamine, and marijuana; and (2) The Defendant failed to report to On Screen Drug Screens, Denison, TX, to submit a urine specimen on: March 21, 2019; March 29, 2019; April 9, 2019; April 25, 2019; and April 30, 2019.

Prior to the Government putting on its case, Defendant entered a plea of true to allegation two (2) of the Petition. The Government will dismiss allegation one (1) of the petition. Having considered the Petition and the plea of true allegation two (2), the Court finds that Defendant did violate his conditions of supervised release.

Defendant waived his right to allocute before the District Judge and his right to object to the report and recommendation of this Court.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eight (8) months, with twenty-eight months of supervised release to follow. Existing conditions of release shall be reimposed as follows:

- (1) You must provide the probation officer with access to any requested financial information for purposes of monitoring your efforts to obtain and maintain lawful employment and income;
- (2) You must participate in a program of testing and treatment for drug abuse and follow the rules and regulations of that program until discharged. The probation officer, in consultation with the treatment provider, will supervise your participation in the program. You must pay any cost associated with treatment and testing;
- (3) You must participate in any combination of psychiatric, psychological, or mental health treatment programs, and follow the rules and regulations of that program, until discharged. This includes taking any medication prescribed by your treating physician. The probation officer, in consultation with the treatment provider, will supervise your participation in the program. You must pay any cost associated with treatment and testing; and
- (4) You must not participate in any form of gambling.

A new special condition shall be imposed as follows:

- (5) You must participate in an inpatient treatment program for drug abuse and follow the rules and regulations of that program until discharged. The probation officer, in consultation with the treatment provider, will supervise your participation in the program. You must pay any cost associated with treatment and testing.

The Court also recommends that Defendant be housed in the Bureau of Prisons facility in the North Texas area, if appropriate.

SIGNED this 31st day of May, 2019.

A handwritten signature in black ink, appearing to read 'C.A. Nowak', written over a horizontal line.

Christine A. Nowak
UNITED STATES MAGISTRATE JUDGE